THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.10114 of 1997

Dated:07.2.2007

Between
Dasari Kanakaiah

.....Petitioner

and

1.The Depot Manager, APSRTC,
Huzurabad Depot, Karimnagar
And others.

...Respondents

THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.10114 of 1997

ORDER:

This writ petition is filed challenging the notification dated 3.1.1997 of the 1st respondent-Depot Manager, APSRTC, Huzurabad, whereunder it was noted that the petitioner's date of birth is 16.6.1939 and he shall retire on attaining the age of superannuation of 58 years with effect from 30.6.1997.

It is the case of the petitioner that his actual date of birth is 16.6.1944 whereas in the records maintained by the respondent-Corporation, his date of birth was wrongly noted as 16.6.1939. Therefore, he filed this writ petition challenging the said impugned notification and to declare the action of

the respondents in noting the date of birth as 16.6.1939 instead of 16.6.1944, as arbitrary and illegal.

Learned counsel for the petitioner has drawn attention of this Court to the date of birth certificate of the petitioner purported to have been issued by the Head Master of the Government High School, Huzurabad, Karimnagar District in which the petitioner studied, showing that the date of birth of the petitioner was recorded in the School as 16.6.1944.

Admittedly, the petitioner obtained the said certificate, after the impugned notification was issued. It is the case of the petitioner that he studied upto 10th class. But he did not produce the said certificate before this Court. I am of the opinion that once the date of birth is recorded in the records as 16.6.1939, nothing prevented the petitioner from raising any dispute within a reasonable

time. The petitioner was appointed in the services of the RTC in 1966 after passing 10th class from the Government High School, Huzurabad.

In the counter filed by the respondents, it is asserted that at the time of appointment, the petitioner declared his date of birth as 16.6.1939 in the Form-A submitted by him. The study details in the service record are noted as 'failed HSC'. His date of birth in the service record also has been recorded as 16.6.1939. The petitioner was appointed into the services of Corporation in 1966. Regulation 19 of the APSRTC (Service) Regulations, 1964 deals with the date of birth of employees, their entry and alteration in records etc,. There is no violation of the said regulation by the respondents.

I am of the opinion that the writ petition is misconceived and is filed only

at the fag end of the service of the petitioner. The petitioner has retired from service in the year 1997 and now 10 years period has been elapsed. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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7-2-2007

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